

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHIH-WEN CHUNG,
an individual and a Taiwanese Citizen,

Plaintiff,

V.

C.A. No. 04-1451 SLR

LUMATEC INDUSTRIES, INC.,
a corporation organized under the laws
of Texas,

Defendant.

RENEWED MOTION TO DISMISS OR TRANSFER

Defendant Lumatec Industries, Inc. (“Lumatec”) hereby moves, pursuant to Fed. R. Civ. P. 12(b)(2), 12(b)(3) and 28 U.S.C. § 1404(a) to dismiss this action for lack of personal jurisdiction over the defendant or, in the alternative, to transfer this action to the U.S. District Court for the Western District of Texas, and for an award of attorney’s fees in connection herewith. The bases for this motion are set forth in Lumatec’s opening brief in support of this motion, filed contemporaneously herewith.

Respectfully submitted,

/s/ David L. Finger
David L. Finger (DE Bar ID #2556)
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Attorney for defendant Lumatec Industries, Inc.

Dated: April 13, 2005

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FOR THE DISTRICT OF DELAWARE

CHIH-WEN CHUNG,
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Defendant.

ORDER

On this ____ day of _____, 2005, having considered the motion of Lumatec Industries, Inc. (“Lumatec”) to dismiss this action or, in the alternative, to transfer it to the U.S. District Court for the Western District of Texas, and any response thereto, IT IS HEREBY ORDERED THAT:

1. Lumatec's motion is GRANTED.
2. This action is dismissed for lack of personal jurisdiction; or
2. This action is transferred to the U.S. District Court for the Western District of Texas.
3. Defendant is awarded its attorney's fees in connection with this motion.

Robinson, J.

CERTIFICATE OF SERVICE

I, David L. Finger, hereby certify that on this 13th day of April, 2005, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

Mark C. Gregory, Esq.
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/s/ David L. Finger
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